



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401



IN REPLY REFER TO:
DESCRM
MC-208

AUG 16 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{ACTING} Regional Director, Great Plains Region

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for the Cummings Multi-Well Pad Connector Line on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Kayla Block-Torgenson (with attachment)
Carson Hood, Jr/Fred Fox, MHA Energy Division (with attachment)
Jonathon Shelman, Corps of Engineers (e-mail)
Jeff Hunt, Fort Berthold Agency (e-mail)

Finding of No Significant Impact

***ONEOK Rockies Midstream, LLC (ONEOK)
Cummings Multi-Well Pad Connector Line***

Addendum to:

***Drilling of Cummings 41-6H/Cummings 41-6TFH/Cummings 44-31TFH Oil and Gas Wells
June 2012 EA/FONSI***

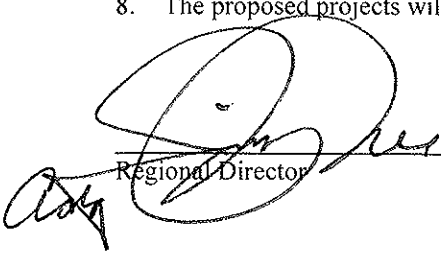
***Fort Berthold Indian Reservation
Mountrail County, North Dakota***

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). The proposal is to acquire a 75-foot right-of-way (ROW) corridor (50 feet of temporary ROW and 25 feet of permanent ROW) for construction of a high-density polyethylene natural gas pipeline up to 10 inches in diameter in Mountrail County, North Dakota, on the Fort Berthold Reservation. The Cummings Multi-well Pad Connector Line is approximately 2,725 feet long, located in Section 6, Township 150 North, Range 92 West, 5th P.M. The new line would connect Marathon well pads to existing natural gas lines. Associated federal actions by the BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.


Regional Director


Date

Notice of Availability and Appeal Rights

ONEOK Rockies Midstream, LLC: Cummings Multi-Well Pad Connector Line

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals related to the Cummings Multi-Well Pad Connector Line on the Berthold Reservation as shown on the attached map. Construction by ONEOK Rockies Midstream, LLC is expected to begin in 2012.

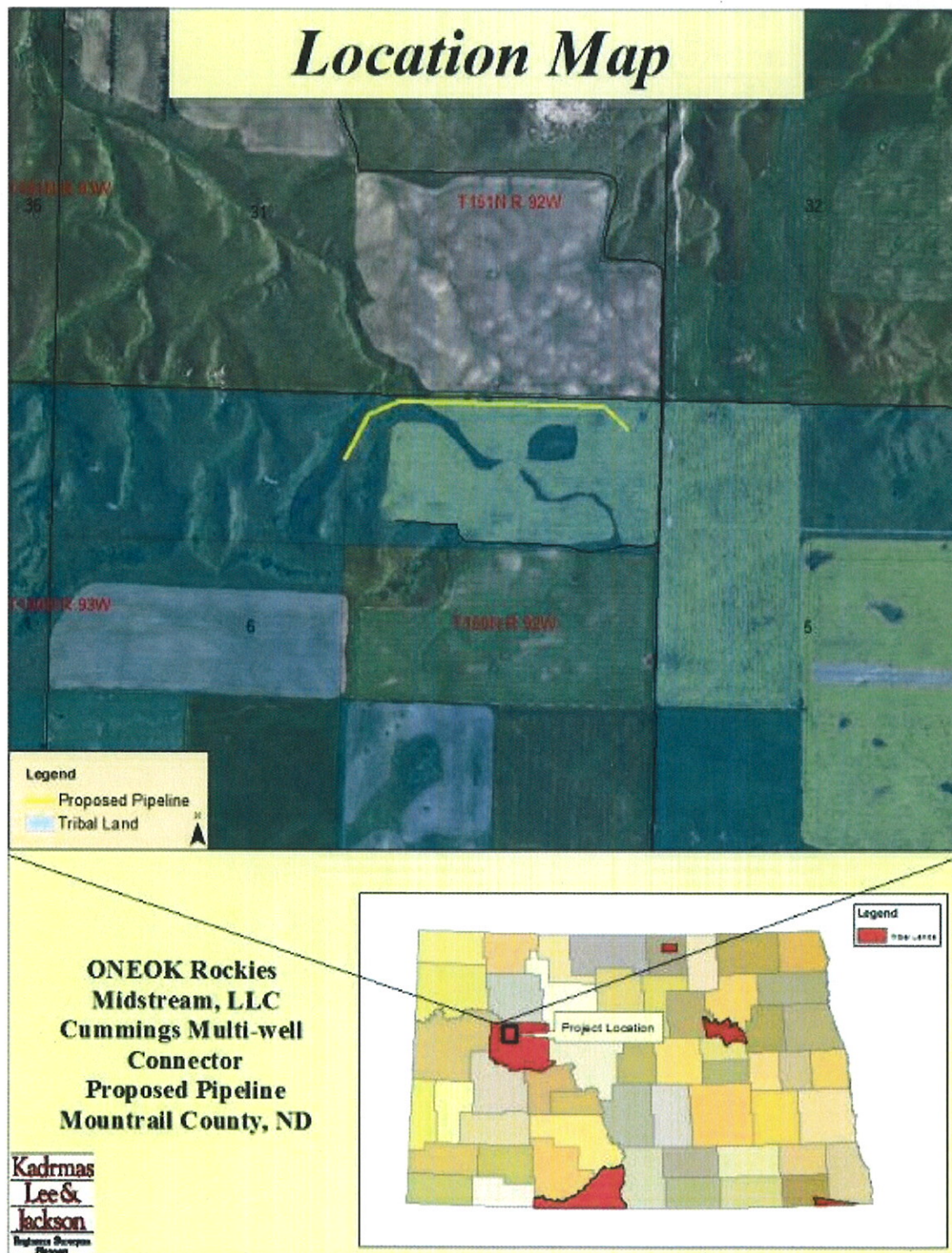
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until September 14, 2012, by contacting:

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.

Procedural details are available from the BIA Fort Berthold Agency at 701-627-6570.

Location Map



ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



ONEOK Rockies Midstream, LLC

Cummings Multi-Well Pad Connector Line

Addendum to:

Marathon Oil Company Drilling of Cummings 41-6H/Cummings 41-6TFH/Cummings 44-31TFH Oil and Gas Wells
June 2012 EA/FONSI

Fort Berthold Indian Reservation

August 2012

For information contact:

*Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-7656*

CONTENTS

1	Purpose and Need for the Proposed Action	1
2	Authorities	3
3	Legal Land Description of Proposed Action	3
4	Scope of Work for Proposed Action	3
5	Applicable National Environmental Policy Act (NEPA) Documents	5
6	Field Resource Surveys.....	5
7	Assessment of Environmental Impacts	6
	A. Air Quality	6
	B. Cultural Resources	6
	C. Land Use.....	6
	D. Public Health and Safety	8
	E. Surface Waters.....	8
	F. Wildlife	9
8	Commitments.....	10
9	NEPA Adequacy Criteria	11

FIGURES

Figure 1, Cummings Multi-well Pad Connector Line Location Map.....	2
Figure 2, Typical ROW Cross Section	4
Figure 3, Cummings Multi-well Pad Connector Line Proposed Location	7
Figure 4, Cummings Multi-well Pad Connector Line Proposed Location Land Use	7
Figure 5, Cummings Multi-well Pad Connector Line Proposed Location Drainage	9

TABLES

Table 1, Land Use Impacts.....	6
---------------------------------------	----------

APPENDIX A Pipeline Layout and Right-of-Way Plats

1

PURPOSE AND NEED FOR THE PROPOSED ACTION

ONEOK Rockies Midstream, LLC (ONEOK) proposes to construct approximately 2,725 feet of high-density polyethylene (HDPE) natural gas pipeline within a 75-foot right-of-way (ROW) corridor (50 feet of temporary ROW and 25 feet of permanent ROW) in Mountrail County, North Dakota on the Fort Berthold Indian Reservation. The pipeline would consist of one new pipeline segment connecting Marathon well pads to an existing natural gas pipeline. Please refer to *Figure 1, Cummings Multi-well Pad Connector Line Location Map*.

The purpose of the proposed action is to allow ONEOK to install the proposed pipeline to transport gas from the previously approved Marathon wells to the previously approved gas pipeline, which then would transport the natural gas to a central facility for further transport to markets. Installation of the proposed pipeline would reduce waste of valuable resources associated with continued flaring of produced gas. In addition, installation of the proposed pipeline would further support important benefits associated with oil and gas development to the Three Affiliated Tribes. It would also aid in providing individual members of the tribes with needed employment and income.

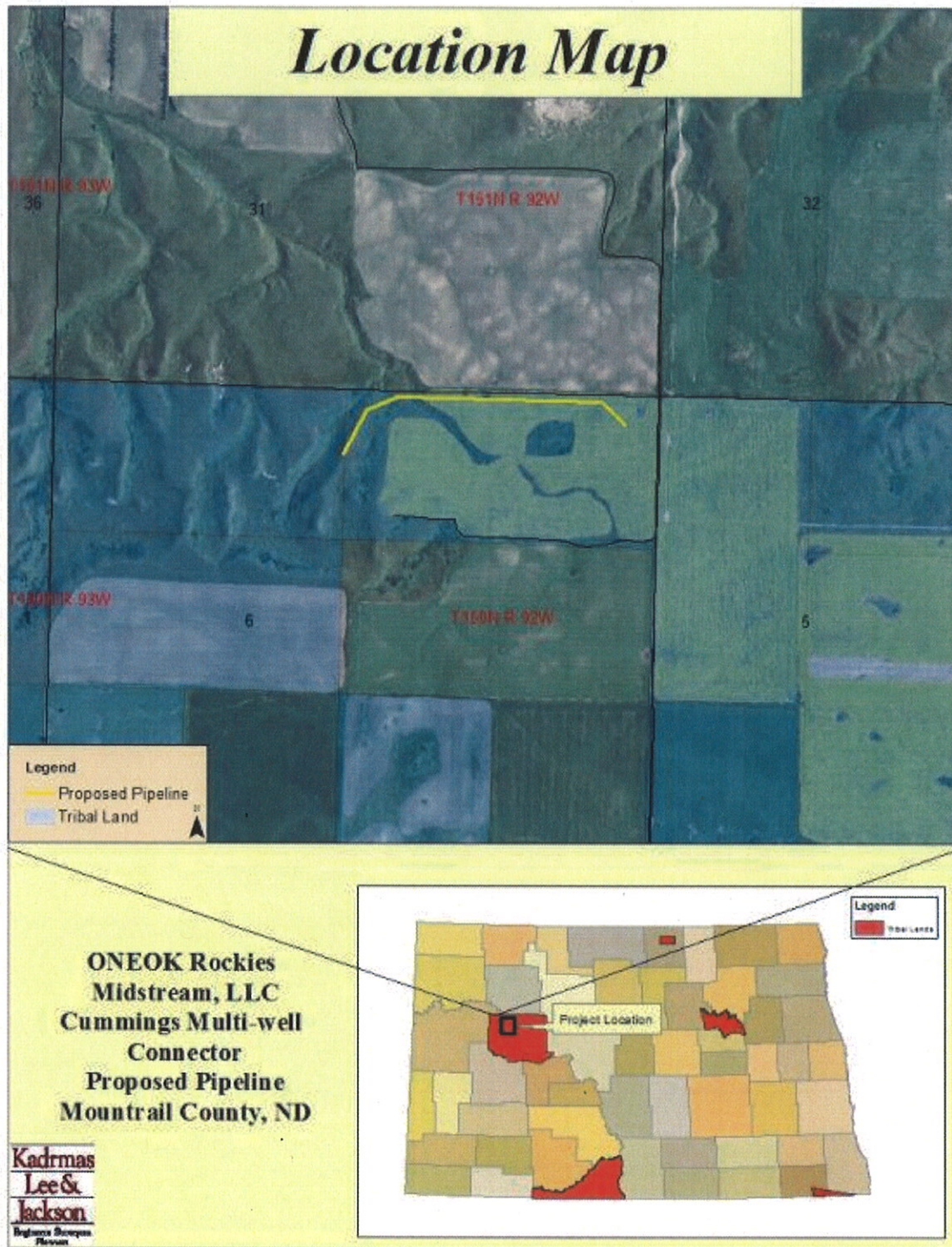


Figure 1, Cummings Multi-well Pad Connector Line Location Map

2 AUTHORITIES

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

3 LEGAL LAND DESCRIPTION OF PROPOSED ACTION

The proposed gas pipeline would be located in the following location in Mountrail County, North Dakota:

- Cummings Multi-well Pad Connector Line—Section 6, Township 150 North, Range 92 West, 5th P.M

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to install a natural gas pipeline and other appurtenances above or below ground to move gas to a suitable processing location.

The proposed pipeline corridor would allow for installation of HDPE gas pipeline up to 10 inches in diameter for transporting gas, as well as above or below ground appurtenances such as valve sets, launchers, receivers and cathodic protection equipment.

The proposed project would require approval for the associated ROW acquisition consisting of 25 feet of permanent ROW and 50 feet of temporary ROW for construction. Please refer to **Appendix A, Pipeline Layout and Right-of-Way Plats**. Installation of the pipeline would require clearing and grading within the 75-foot ROW along the entire pipeline corridor. Every effort would be made to minimize surface disturbance during the construction process. Topsoil would be separated and stockpiled along either side of any disturbed cross section to be used for prompt reseeding and reclamation of the disturbed area.

If construction occurs during the winter months, reclamation would be completed to the best ability of the contractor immediately following construction along with spreading and crimping straw over disturbed areas in order to hold soil in place. Remaining reclamation activities would be completed the following spring as soon as conditions allow.

All existing roadways, utilities or pipelines encountered would be bored under. Potential impacts to standing crops would be negotiated with the respective producer. Trenches would be excavated using a trencher or trackhoe to a depth sufficient to maintain a minimum of 48 inches of ground coverage over the pipeline. Coverage would be increased to 72 inches of burial depth at roadway crossings and at any driveway crossings. Please refer to **Figure 2, Typical ROW Cross Section**.

PIPELINE CONSTRUCTION

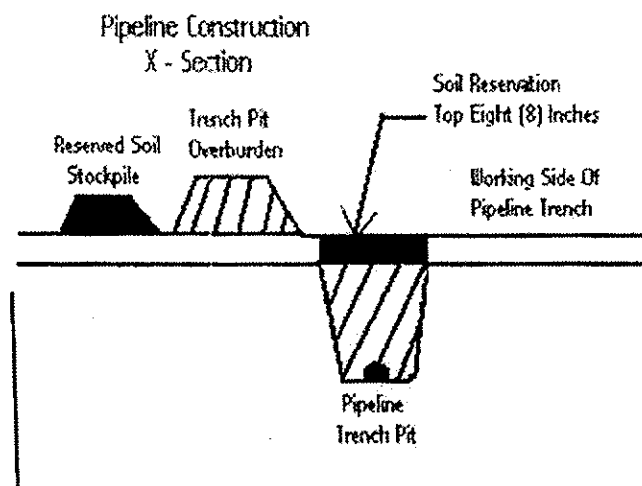


Figure 2, Typical ROW Cross Section

It is understood that other utilities may be present in the project area and would need to be located prior to construction, as well as coordinating potential crossings with the appropriate utilities. The proposed natural gas pipeline would be marked with above-ground signs near all road and fence line crossings. A trace wire would be buried alongside the proposed pipelines for locating purposes.

Valve installations on the existing natural gas line and at the well connects would control the proposed pipeline segments in case of potential spills. These valve installations are typically installed every four to five miles along pipeline segments. ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of construction activities.

It is anticipated that the oil and gas field on Fort Berthold Reservation will remain active for 30 to 40 years. The proposed HDPE pipe is anticipated to have a design life extending well beyond 40 years. No maintenance of the pipeline segment due to deterioration during the life of the field is anticipated.

Quality control procedures for the new pipeline segment include pressure testing the lines to 1¼ times the actual maximum pressure for the proposed lines. This series of pressure tests occurs for eight straight hours and is recorded and documented for each new gathering line segment.

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

The following NEPA documents have been previously approved by BIA for the proposed action:

- Marathon Oil Company Drilling of Cummings 41-6H/Cummings 41-6TFH/Cummings 44-31TFH Oil and Gas Wells June 2012 EA/FONSI.

6 FIELD RESOURCE SURVEYS

Intensive, pedestrian resource surveys of the proposed Cummings Multi-well Pad Connector pipeline corridor was conducted on July 9, 2012 by Kadrmas, Lee & Jackson (KL&J). The purpose of the survey was to gather site-specific data and photos with regards to botanical, biological, threatened and endangered species, eagles and water resources. A 200-foot wide pipeline corridor was evaluated at the site. In addition, a 0.50 mile wide buffer around the area of project disturbance was used to evaluate the presence of eagles and eagle nests. Resources were evaluated using visual inspection and pedestrian transects across the site.

The BIA EA on-site assessment of the pipeline corridor was conducted at the same time as the pedestrian resource survey previously mentioned. The BIA Environmental Protection Specialist, ONEOK and KL&J participated in the assessment. A representative from Three Affiliated Tribes Tribal Historic Preservation Office (THPO) was invited, but did not attend the on-site. During this assessment, construction suitability with respect to topography, stockpiling, drainage, erosion control and other surface issues were considered. Those present at the on-site assessment agreed that the chosen location, along with the minimization measures ONEOK plans to implement, are positioned in areas which would minimize impacts to sensitive wildlife and botanical resources.

A Class I Literature Review for the proposed Cummings Multi-well Pad Connector project was conducted by KL&J on July 10, 2012. A Class III Cultural Resources Survey was also conducted at the same time as the pedestrian resource survey and BIA EA on-site assessment. The Area of Potential Effect (APE), or area surveyed, consisted of approximately 12.5 acres for the Cummings Multi-well Pad Connector route, including a 200-foot corridor on both sides of the proposed pipeline centerline.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the pipeline corridor proposed in this document. Impacts are only discussed if the construction of the project proposed in this document has changed the impact assessment reflected in the previous environmental assessment or to note why the impact assessment has not changed.

A. Air Quality

Gas currently produced by the wells is being flared on-site. The proposed project would collect gas from each well pad and transport it to markets for use. The proposed project would have a beneficial impact on air quality due to the anticipated reduction in gas flaring.

B. Cultural Resources

Class I Literature Reviews and Class III Cultural Resource Surveys were performed along the proposed pipeline corridor. The field surveys revealed no new or previously recorded cultural resources within the survey corridor. A "No Historic Properties Affected" Determination was submitted to the BIA for the proposed construction of each route. The BIA is awaiting a determination from the THPO.

C. Land Use

The proposed project area is located within a predominantly rural area. Land use consists of grassland (30.6 percent) and cultivated land (69.4 percent). Please refer to **Table 1, Land Use Impacts** for impacts specific to the proposed pipeline route and **Figure 3, Cummings Multi-well Pad Connector Line Proposed Location** and **Figure 4, Cummings Multi-well Pad Connector Line Proposed Location Land Use** for pictures of the proposed pipeline route. The proposed project would temporarily convert approximately 4.8 acres of land not previously cleared through a NEPA document from its existing use into a pipeline corridor. The pipeline would be buried underground and the majority of existing land uses would resume following construction and reclamation activities. No mitigation is proposed.

Table 1, Land Use Impacts

PIPELINE	LAND CLASSIFICATION	PERCENT OF STUDY AREA	IMPACTED ACRES
Cummings Multi-well Pad Connector Line	Cultivated	69.4	3.3
	Grassland	30.6	1.5



Figure 3, Cummings Multi-well Pad Connector Line Proposed Location



Figure 4, Cummings Multi-well Pad Connector Line Proposed Location Land Use

D. Public Health and Safety

Third-party intrusions are one of the biggest contributing factors to spills. To aid in the prevention of such intrusions, ONEOK would fully comply with the marking requirements specified in the US Department of Transportation's rules and regulations, specifically contained in 49 CFR Parts 192 and 195. To ensure such compliance, ONEOK developed construction specifications to delineate the requirements for pipeline marking in accordance with applicable laws, rules and regulations, including the locations of such markings (e.g., road crossings, waterbody crossings, line of sight, etc.) and the manner of marking such pipelines (e.g., height of markings and signage on the markings).

ONEOK has committed to developing a spill response plan that would be submitted to the BIA prior to commencement of construction activities. The spill response plan will include procedures that specifically address making the appropriate contacts, isolating the incident, protecting waterways and providing contact information for all the appropriate contractors and experts necessary to facilitate a rapid response.

The proposed project would provide infrastructure to transport gas from oil wells to a central facility thereby eliminating the need for truck transportation from the wells. The project would reduce the volume of truck traffic on public roadways, allowing for safer public travel.

E. Surface Waters

The proposed project has been sited to avoid direct impacts to surface water and to minimize the disruption of drainage patterns across the landscape. Construction activities occurring in the drainage of the Cummings Multi-well Pad Connector pipeline route would be completed within a 24-hour period to minimize disturbances or ONEOK may choose to bore the location. Please refer to **Figure 5, Cummings Multi-well Pad Connector Line Proposed Location Drainage** for a visual representation of the drainage. Implementation of BMPs to control erosion would mitigate runoff of sediment downhill or downstream. No significant impacts to surface water are expected to result from the proposed pipeline.



Figure 5, Cummings Multi-well Pad Connector Line Proposed Location Drainage

F. Wildlife

During the field survey, a badger hole was identified; however, no wildlife was observed. The proposed pipeline corridor is located in an area that could provide habitat for a variety of wildlife, including American badger (*Taxidea taxus*), mule deer (*Odocoileus hemionus*), whitetail deer (*Odocoileus virginianus*), plains sharp-tail grouse (*Tympanuchus phasianellus*), ring-necked pheasant (*Phasianus colchicas*), song birds, coyote (*Canis latrans*), red fox (*Vulpes vulpes*), Eastern cottontail rabbit (*Sylvilagus floridanus*), and white-tailed jackrabbit (*Lepus townsendii*). Due to the proposed project location being located near current drilling operations and well pads, the additional construction of the proposed pipeline is not expected to impact or displace additional animals. Additionally, ONEOK has committed to several BMPs to protect wildlife including: topsoil preservation, mitigating noise levels, and in the event of a whooping crane sighting, halting construction and contacting the USFWS.

8 COMMITMENTS

ONEOK has committed to the avoidance and minimization measures described below, if the proposed project is approved:

- Construction work through the drainage area will be completed with a 24-hour period or the drainage will be bored.
- Straw wattles, silt fences, fiber matting and/or other BMPs will be placed on all slopes greater than 5 percent along drainage areas.
- Woody vegetation encountered will be shredded and mixed with topsoil during reclamation or buried.
- Topsoil will be segregated and stored on-site to be used in the reclamation process. All disturbed areas will be re-contoured to original elevations as part of the reclamation process.
- BMPs will be implemented to minimize wind and water erosion of soil resources.
- Disturbed vegetation will be re-seeded with an approved seed mixture from the BIA Environmental Protection Specialist upon completion of the project. The seeding will be maintained until such time that the vegetation is consistent with surrounding undisturbed areas and the area be free of noxious weeds.
- If cultural resources are discovered during construction or operation, work will immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work will not resume until written authorization to proceed has been received from the BIA.
- All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.
- Prior to construction, ONEOK will coordinate with the Fort Berthold Water Authority Director to ensure minimization of impacts to existing water distribution pipelines.
- Utility modifications will be identified during design and coordinated with the appropriate utility company.
- Suitable mufflers will be put on all internal combustion engines and certain compressor components to mitigate noise levels.
- No construction activities will take place between February 1 and July 15 in order to avoid potential impacts to raptors and migratory bird breeding and nesting; unless mowing/grubbing of the ROW area occurs prior to the breeding/nesting season. Instead of mowing, ONEOK may also choose to have a preconstruction survey conducted by a qualified biologist within five days prior to project construction in order to identify any birds or nests within the construction area.
- If a whooping crane is sighted within one-mile of a well site or associated facilities while it is under construction, all work will cease within one-mile of that part of the project and the

USFWS will be contacted immediately. In coordination with USFWS, work may resume after the bird(s) leave the area.

- During reclamation, slopes will be roughened where possible to reduce erosion.
- Any electrical transmission lines associated with the proposed project will be installed underground.

9 NEPA ADEQUACY CRITERIA

This document has identified one previously prepared NEPA document: Marathon Oil Company Drilling of Cummings 41-6H/Cummings 41-6TFH/Cummings 44-31TFH Oil and Gas Wells June 2012 EA/FONSI, which adequately describes the environmental consequences of the newly proposed actions, described herein, and meets the following NEPA Adequacy Criteria:

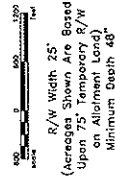
1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed actions.
5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA documents.
6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

Appendix A

Pipeline Layout and Right-of-Way Plats

[illegible]

STATION	DESCRIPTION
1	Begin Line at Transfer on Lincoln Outside City
2	End Lincoln/Begun Creek
3	End Creek/Begun Creek
4	End Creek/Begun Creek
5	End Line at the 10 th Turn to the Proposed 10 th Pipeline



TOTAL: Horz. Distance
SECTION 6 SECTION 5

TOTAL: 1012.2 DISTANCE

SECTION 6 SECTION 5

224.63' S03 13.5
by Case with wire24.63' SO3 13.3
by Gas with wire

Figure 1

ONEOK
ROCKIES MIDSTREAM

MOORE & ASSOCIATES
A SUBSIDIARY OF OATCO PARTNERS

SECTION 5 & 6

W. 150 N., R. 92 W.
TRAIL COUNTY, NORTH DAKOTA

Project no 371253

5.118.6813.010727	00001
-------------------	-------

[illegible]

NOTE: Survey is based on North Dakota State Plane System, NAD83 (90). North Zone, U.S. Foot. Azimuths shown are grid azimuths, distances shown are grid distances. Combined scale factor is 1.0001530 to go from grid distances to ground distances.

Sat 11, 2012 - 2:58pm - j:\cnneg\ONEOK\3712659\OADD\EA\371265900501.png

Jul 11, 2012 - 2:39pm - j:\citra-g\ON-EX\3712859\OAO\EP\371285900501.png
